IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8178 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARVODAY ASHRAM SHAHPUR TRUST

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

MR H.S. MUNSHAW for Petitioners

MR UR BHATT, AGP for Respondents

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 20/04/2001

ORAL JUDGEMENT

1. Rule. Mr. U.R. Bhatt, learned AGP appears and waives service of rule on behalf of the respondents.

2. On a joint request of learned counsel for the parties the matter is taken up for final hearing today.

3. This petition arises at the instance of the Trust which is running a Primary Teachers Training College in the campus of Sarvodaya Ashram at Shapur, District Junagadh. Complications have arisen because of internal disputes amongst the trustees of the Trust, as a result of which the administration of the Trust and more particularly the disbursement of salaries of the staff and financial aspects of the management, grant, etc. are all held up. With a view to solve the administrative and financial difficulties of the Trust in running the school, and overcoming the difficulties faced by both the management and the staff, some sort of interim arrangement is necessary.

4. In this context I have heard learned counsel for the petitioner as also Mr. U.R. Bhatt, learned AGP on behalf of the respondents. As a result of the hearing and discussion, I am of the opinion that the following directions will meet the ends of justice.

(1) These directions are issued in the interest of justice and in the interest of the management as also in the interest of smooth financial functioning and obtaining sanction of the grant and disbursement of the salaries and funds, etc. It is clarified that the present order is of an interim nature and shall operate only until the dispute between the Trustees is settled in accordance with law by the competent forum.

(2) The Secretary,Education Department is directed to hear the Trustees of the Trust as also the Principal of the College, and after such hearing issue appropriate directions as may be considered necessary with particular instructions as to who shall sign the bills for sanctioning of the grant from time to time and as to who shall handle the financial management and the administration of the school in relation to the grant and disbursement of salaries and other expenses.

(3) The Secretary, Education Department, shall complete this exercise and issue necessary directions as expeditiously as possible and preferably before 31st July 2001.

(4) The petitioners are directed to supply the complete and correct addresses of all the Trustees of the Trust as also that of the Principal to the Secretary, Education Department,

within two weeks from today.

In view of the aforesaid observations and directions, learned counsel for the petitioner does not press for any other relief in this petition. This petition is accordingly disposed of. Subject to the above directions, rule is discharged with no order as to costs. D.S. permitted.

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